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STATUTORY INSTRUMENTS

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**2007 No. 991**

**The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007**

**PART 1**

Introductory

**Citation, application, extent and commencement**

1.—(1) These Regulations may be cited as the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.

(2) Subject to regulation 4, and notwithstanding section 4 of the Building Act 1984(1), these Regulations, other than regulation 8, apply to all buildings including buildings which are exempt from building regulations by virtue of that section.

(3) These Regulations extend to England and Wales.

(4) Each provision of these Regulations mentioned in column 3 of the Table in Schedule 1 shall come into force on the date mentioned in column 2 of that Table, for the purposes mentioned in column 4.

**Interpretation**

2.—(1) In these Regulations—

“accreditation scheme” means a scheme approved by the Secretary of State in accordance with—

(a) regulation 25; or

(b) regulation 17F of the Building Regulations 2000(2);

“advisory report” means a report issued by an energy assessor pursuant to regulation 19;

“air-conditioning system” means a combination of all the components required to provide a form of air treatment in which the temperature is controlled or can be lowered, and includes systems which combine such air treatment with the control of ventilation, humidity and air cleanliness;

“asset rating” means a numerical indicator of the amount of energy estimated to meet the different needs associated with a standardised use of a building, calculated according to the methodology approved by the Secretary of State pursuant to regulation 17A of the Building Regulations 2000(3);

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(1) Section 4(1)(a)(i) to (iv) was substituted by the Education Act 1996 (c.56), Schedule 37, paragraph 59; section 4(1)(a)(ii) was substituted (in relation to England) by the Education Act 2002 (c.32), Schedule 21, paragraph 6; section 4(1)(a)(iii) and (iv) were repealed by the School Standards Framework Act 1998 (c.31), Schedule 31; section 4(1)(b) was amended by the Airports Act 1986 (c.31), Schedule 6; section 4(1)(c) was inserted by S.I. 2001/4050; there are other amending Acts but these are not relevant to these Regulations.

(2) S.I. 2000/2531; regulation 17F is inserted by regulation 8 of, and paragraph 1(8) of Schedule 2 to, these Regulations.

(3) Inserted by S.I. 2006/652, and amended by regulation 8 of, and paragraph 1(7) of Schedule 2 to, these Regulations.

“building” means a roofed construction having walls, for which energy is used to condition the indoor climate, and a reference to a building includes a reference to a part of building which has been designed or altered to be used separately;

“display energy certificate” means a certificate which complies with regulation 17;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling;

“energy assessor” means an individual who is a member of an accreditation scheme;

“energy performance certificate” means a certificate which complies with regulation 11(1) of these Regulations or regulation 17E of the Building Regulations 2000(4);

“home information pack” means a home information pack in relation to a building obtained for the purpose of complying with section 155(1) or 159(2) of the Housing Act 2004(5);

“inspection report” means a report issued by an energy assessor in accordance with regulation 22(1);

“penalty charge notice” means a notice given pursuant to regulation 40;

“recommendation report” means the recommendation report required by regulation 10, and includes a report issued by an energy assessor for the purposes of regulation 17E(4) of the Building Regulations 2000 or regulation 12(4) of the Building (Approved Inspectors etc.) Regulations 2000(6);

“relevant person” means—

- (a) in relation to a building which is to be sold, the seller;
- (b) in relation to a building which is to be rented out, the prospective landlord;
- (c) in relation to a building in circumstances where regulation 9 applies, the person responsible for carrying out the construction work; and
- (d) in relation to an air-conditioning system, the person who has control of the operation of the system.

(2) Unless otherwise defined in these Regulations, terms used in these Regulations have the same meaning as in European Parliament and Council Directive 2002/91/EC on the energy performance of buildings(7).

### **Meaning of “prospective buyer or tenant”**

3. A person becomes a prospective buyer or tenant in relation to a building when he—
  - (a) requests any information about the building from the relevant person or his agent for the purpose of deciding whether to buy or rent the building;
  - (b) makes a request to view the building for the purpose of deciding whether to buy or rent the building; or
  - (c) makes an offer, whether oral or written, to buy or rent the building.

(4) Inserted by S.I. 2006/652, and substituted by regulation 8 of, and paragraph 1(8) of Schedule 2 to, of these Regulations.

(5) 2004 c. 34.

(6) S.I. 2000/2352; regulation 12 is substituted by paragraph 2 of Schedule 2 to these Regulations.

(7) OJ No L 1, 4.1.2003, p65.